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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,765	12/24/2001	Norman C. Pyle	10011327-1	3822

22879 7590 02/08/2006

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EXAMINER

DURNFORD GESZVAI, DILLON

ART UNIT PAPER NUMBER

2615

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/035,765	PYLE, NORMAN C.	
	Examiner	Art Unit	
	Dillon Durnford-Geszvain	2615	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 is/are allowed.
- 6) ☒ Claim(s) 10-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. Claims **1-20** are pending, claims **7** and **18-20** have been amended to overcome an objection to informalities and claim **12** has been amended to overcome a rejection under 35 USC 112.

### *Response to Arguments*

1. Applicant's arguments, see page 9 section III, filed 11/28/2005, with respect to claim **12** have been fully considered and are persuasive. The rejection of claim **12** has been withdrawn.

2. Applicant's arguments, see page 9 and 10, filed 11/28/2005, with respect to claims **1-9** have been fully considered and are persuasive. The rejection of claims **1-9** has been withdrawn.

3. Applicant's arguments, see page 12 and 13, filed 11/28/2005, with respect to the rejection(s) of claim(s) **10-20** under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims **10-20** are rejected under 35 U.S.C. 102(e) as being anticipated by US Pre-Grant Publication 2005/0146623 (Juen).

As to claim **10**, Juen teaches a digital image capture device 100 that has a user-controlled exposure mode comprising: a) a display 25 for displaying images; and b) a user-controlled exposure mechanism 26 coupled to the display for receiving a start exposure signal and a terminate exposure signal (see Fig. 10), responsive to the start exposure signal for beginning an exposure, for providing visual feedback during the exposure through the display (see Fig. 15), and responsive to a terminate exposure signal for terminating the exposure.

As to claim **11**, see the rejection of claim **10** and note that Juen further teaches the digital image capture device of claim **10** further comprising: an enable signal (this must necessarily be present because there exists a way to switch modes) for enabling the user-controlled exposure mechanism and setting the digital camera into a user-

controlled exposure mode (this is the mode button 27 which switches the camera from still image capture mode and moving image capture mode).

As to claim **12**, see the rejection of claim **11** and note that Juen further teaches the digital image capture device of claim **11** further comprising: a first button 26 for use by a user to assert the start exposure signal and to assert the terminate exposure signal; and a second button 27 for use by a user to assert the enable signal.

As to claim **14**, see the rejection of claim **10** and note that Juen further teaches the digital image capture device of claim **10** wherein the user-controlled exposure mechanism includes: a visual feedback module 18 for providing visual feedback during the exposure through the display (see Fig. 15).

As to claim **15**, see the rejection of claim **10** and note that Juen further teaches the digital image capture device of claim **10** wherein the digital image capture device is a digital camera (see Fig. 8).

As to claim **16**, Juen teaches a digital image capture device 100 that has a user-controlled exposure mode comprising: a) means for displaying images 25; and b) user-controlled exposure means 18 coupled to the display for receiving a start exposure signal and a terminate exposure signal, responsive to the start exposure signal for beginning an exposure (see Fig. 10), for providing immediate visual feedback during the

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exposure through the display (see Fig. 15), and responsive to a terminate exposure signal for terminating the exposure (see fig. 10).

As to claim **17**, see the rejection of claim **16** and note that Juen further teaches the digital image capture device of claim **16** further comprising: an enable signal (this must necessarily be present because there exists a way to switch modes) for enabling the user-controlled exposure mechanism and setting the digital camera into a user-controlled exposure mode ([0082] note that mode button 27 switches between still image mode and moving image mode, moving image mode would be the user controlled exposure mode).

As to claim **18**, see the rejection of claim **16** and note that Juen further teaches the digital image capture device of claim 16 further comprising: c) first means for use by a user to assert a start exposure signal 26; d) second means for use by a user to assert a terminate exposure signal 26; and e) third means for use by a user to set the digital image capture device into the user-controlled exposure mode 27.

As to claim **19**, see the rejection of claim **18** and note that as noted in the rejection of claim **18** the first and second means are a single button.

As to claim **20**, see the rejection of claim **16** and note that Juen further teaches the digital image capture device of claim **16** wherein the user-controlled exposure

means includes: a visual feedback means 18 for providing visual feedback during the exposure through the display (see Fig. 15).

***Claim Rejections - 35 USC § 103***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim **13** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pre-Grant Publication 2005/0146623 (Juen).

As to claim **13** see the rejection of claim **12** and note that providing yet another button for terminating the exposure that is separate from the start exposure button is an obvious variation and would have been considered by Juen as it would simplify the hardware design by reducing the number of functions that one button would have to perform.

***Allowable Subject Matter***

7. Claims **1-9** are allowed.

8. The following is an examiner's statement of reasons for allowance: the cited prior art neither anticipates nor renders obvious the limitation in claim **1** of displaying a running total image after every image capture. Note that Holmes et al. (cited in the prior action) teaches creating a running total image but does seem to teach displaying that image after each image capture.

Claims **2-9** are allowable as depending from a claim that was found to be allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dillon Durnford-Geszvain whose telephone number is (571) 272-2829. The examiner can normally be reached on Monday through Friday 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Dillon Durnford-Geszvain

2/3/2006

A handwritten signature in black ink, appearing to read 'Lin Ye', with a stylized, flowing script.

Lin Ye  
Examiner  
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